

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00827
v.)	
)	
FISERV, INC.,)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by Fiserv, Inc. (“Fiserv”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, FISERV is a credit union existing under the laws of the State of Delaware, with a principal place of business located at 8310 North Capital of Texas Hwy, Prominent Pointe Bldg 2, Suite 250, Austin, TX 78731. On information and belief, FISERV sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be through its registered agent Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company 211 E. 7th Street, Suite 620 Austin, TX 78701-3218 or wherever they may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent

6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.

7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. FISERV maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the ‘508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘508 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

Claims	Fiserv
1. A method for constructing a unified electronic banking environment, said method comprising the steps of:	<p data-bbox="451 1083 665 1125">Our Solution</p> <p data-bbox="451 1163 1351 1234"><u>With our Online Banking Solutions, you can offer consumers and businesses convenient banking.</u> Our solutions enable your customers to:</p> <ul data-bbox="472 1257 1351 1518" style="list-style-type: none"> • <u>Conduct online banking transactions, such as viewing account balances and history,</u> checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to account • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p data-bbox="399 1629 951 1665">Attachment 1 (On Line Banking Solutions)</p> <p data-bbox="399 1766 1338 1843">Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>

Claims	Fiserv
<p>providing at least one common multi-channel server coupled to more than one e-banking touch points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self service coin counter (SSCC), a kiosk, a digital signage display, an</p>	<div data-bbox="418 405 959 898"> <p>Continuity Across Channels</p> <p>DigitalAccess enables financial institutions to provide a consistent, streamlined user experience across channels, devices and customer segments.</p> </div> <p>Attachment 2 (DigitalAccess A Single Digital Solution for Online Banking, Mobile and Tablet)</p> <p>Source: https://www.fiserv.com/content/dam/fiserv-com/resources/digitalaccess_brochure_emea_1608.pdf</p>

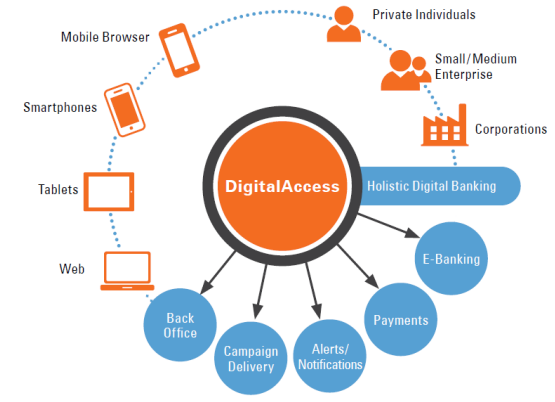
Claims	Fiserv
<p>online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p>Our Solution</p> <p><u>With our Online Banking Solutions, you can offer consumers and businesses convenient, secure and simple Internet banking.</u> Our solutions enable your customers to:</p> <ul style="list-style-type: none"> • <u>Conduct online banking transactions</u>, such as <u>viewing account balances and history</u>, <u>making transfers</u>, canceling checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to accounting or tax preparation software • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p>Attachment 1 (On Line Banking Solutions)</p>

Claims	Fiserv
	<p>Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<p style="text-align: center;">Engagement</p> <p><u>Create personal experiences that deliver the right service at the right time, every time, through engagement features:</u></p> <ul style="list-style-type: none"> • <u>Marketing campaign manager</u> • Experience manager • Brand manager <p>Attachment 3 (Architect)</p> <p>Source: https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions/architect.html</p>

Claims	Fiserv
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<p>Our Solution</p> <p><u>With our Online Banking Solutions, you can offer consumers and businesses convenient banking.</u> Our solutions enable your customers to:</p> <ul style="list-style-type: none"> • <u>Conduct online banking transactions, such as viewing account balances and history,</u> checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to account • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p>Attachment 1 (On Line Banking Solutions)</p> <p>Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;</p>	<p>Our Solution</p> <p><u>With our Online Banking Solutions, you can offer consumers and businesses convenient banking.</u> Our solutions enable your customers to:</p> <ul style="list-style-type: none"> • <u>Conduct online banking transactions, such as viewing account balances and history,</u> checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to account • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p>Attachment 1 (On Line Banking Solutions)</p>

Claims	Fiserv
	<p>Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>
<p>monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p>Regardless of your product and service delivery channels or your customers' preferences, our customer relationship management and channel marketing services can deliver solutions to spur new account growth, account retention, expansion and profitability. All of our solutions are fortified with top-of-the-line security to ensure that every interaction is safe.</p> <p>Attachment 4(Customer & Channel Management Solutions, CRM System _ Fiserv)</p> <p>Source: https://www.fiserv.com/en/solutions/customer-and-channel-management.html</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine</p>	<p>Cardholders earn customer rewards quickly and easily by using their cards for both signature- and PIN-based transactions. They earn even faster when you offer merchant rewards or relationship-based reward points — for opening a new account or taking out a loan, for example. Reward program points can be pooled between multiple accounts. With millions of options for redemption, we offer enough choices to excite and motivate every customer.</p> <p>Attachment 5(Debit and Credit Loyalty Card Program _ Fiserv)</p> <p>Source: https://www.fiserv.com/en/solutions/customer-and-channel-management/loyalty-and-reward-solutions.html</p>

Claims	Fiserv
whether transmission of additional information related to said marketing content occurs during said active session.	
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>Our Solution</p> <p><u>With our Online Banking Solutions, you can offer consumers and businesses convenient banking.</u> Our solutions enable your customers to:</p> <ul style="list-style-type: none"> • <u>Conduct online banking transactions, such as viewing account balances and history, checks, viewing check images and accessing electronic statements</u> • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to account • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p>Attachment 1 (On Line Banking Solutions)</p> <p>Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>
providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or	

Claims	Fiserv
<p>more computer systems, wherein each computer system is associated with a financial institution, said e-banking touch points being provided in locations remote from the other, and each of which comprise one or more of an automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial</p>	<p>Continuity Across Channels</p>  <p>DigitalAccess enables financial institutions to provide a consistent, streamlined user experience across channels, devices and customer segments.</p> <p>Attachment 2 (DigitalAccess A Single Digital Solution for Online Banking, Mobile and Tablet)</p> <p>Source: https://www.fiserv.com/content/dam/fiserv-com/resources/digitalaccess_brochure_emea_1608.pdf</p>

Claims	Fiserv
institutions through said multi-channel server;	
receiving an actionable input from at least one e-banking touch point;	<p data-bbox="435 636 583 663">Our Solution</p> <p data-bbox="435 693 1250 741"><u>With our Online Banking Solutions, you can offer consumers and businesses convenient, secure and simple Internet banking. Our solutions enable your customers to:</u></p> <ul data-bbox="451 758 1273 936" style="list-style-type: none"> • <u>Conduct online banking transactions</u>, such as <u>viewing account balances and history</u>, <u>making transfers</u>, canceling checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to accounting or tax preparation software • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p data-bbox="399 1045 948 1077">Attachment 1 (On Line Banking Solutions)</p> <p data-bbox="399 1182 1338 1257">Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>
retrieving previously stored data associated with said actionable input, wherein said previously stored	

Claims	Fiserv
<p>data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<p style="text-align: center;">Engagement</p> <p><u>Create personal experiences that deliver the right service at the right time, every time, through engagement features:</u></p> <ul style="list-style-type: none"> • <u>Marketing campaign manager</u> • Experience manager • Brand manager <p>Attachment 3 (Architect)</p> <p>Source: https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions/architect.html</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<p>Our Solution</p> <p><u>With our Online Banking Solutions, you can offer consumers and businesses convenient, secure and simple Internet banking. Our solutions enable your customers to:</u></p> <ul style="list-style-type: none"> • <u>Conduct online banking transactions</u>, such as <u>viewing account balances and history</u>, <u>making transfers</u>, canceling checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to accounting or tax preparation software • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p>Attachment 1 (On Line Banking Solutions)</p> <p>Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>

Claims	Fiserv
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said e-banking touch points and said one or more computer systems;</p>	<p>Our Solution</p> <p><u>With our Online Banking Solutions, you can offer consumers and businesses convenient, secure and simple Internet banking. Our solutions enable your customers to:</u></p> <ul style="list-style-type: none"> • <u>Conduct online banking transactions</u>, such as <u>viewing account balances and history</u>, <u>making transfers</u>, canceling checks, viewing check images and accessing electronic statements • Perform self-service functions on a variety of financial accounts • Manage personal and business finances online and download information to accounting or tax preparation software • View aggregated account information • Receive alerts and engage in online chat • Manage user access and function <p>Attachment 1 (On Line Banking Solutions)</p> <p>Source :https://www.fiserv.com/en/solutions/customer-and-channel-management/online-banking-solutions.html</p>
<p>monitoring via said server said active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p><u>Regardless of your product and service delivery channels or your customers' preferences, our customer relationship management and channel marketing services can deliver solutions to spur new account growth, account retention, expansion and profitability. All of our solutions are fortified with top-of-the-line security to ensure that every interaction is safe.</u></p> <p>Attachment 4(Customer & Channel Management Solutions, CRM System _ Fiserv)</p> <p>Source: https://www.fiserv.com/en/solutions/customer-and-channel-management.html</p>
<p>transmitting in real-time said targeted marketing content</p>	

Claims	Fiserv
<p>during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p><small>Cardholders earn customer rewards quickly and easily by using their cards for both signature- and PIN-based transactions. They earn even faster when you offer merchant rewards or relationship-based reward points — for opening a new account or taking out a loan, for example. Reward program points can be pooled between multiple accounts. With millions of options for redemption, we offer enough choices to excite and motivate every customer.</small></p> <p>Attachment 5 (Debit and Credit Loyalty Card Program _ Fiserv)</p> <p>Source: https://www.fiserv.com/en/solutions/customer-and-channel-management/loyalty-and-reward-solutions.html</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. FISERV has and continues to induce infringement. FISERV has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, FISERV has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

11. FISERV has and continues to contributorily infringe. FISERV has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues

to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, FISERV has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

12. FISERV has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award MCom its attorneys' fees, expenses, and costs incurred in this action;

- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', with a large, stylized loop underneath.

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